Applicant: General Public in Massachusetts

Effective Date: February 4, 2015
Expiration Date: February 4, 2020

Department of the Army
General Permits for Massachusetts

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues General Permits (GPs) for activities subject to Corps jurisdiction in waters of the U.S. within the boundaries of, and off the coast of, the Commonwealth of Massachusetts excluding work within the boundaries of Indian tribal lands. These GPs are issued in accordance with Corps regulations at 33 CFR 320 - 332 (see 33 CFR 325.5(c)(1)). The GPs will protect the aquatic environment and the public interest while effectively authorizing activities that have no more than minimal individual and cumulative adverse effects on the aquatic environment.

This GP document contains the following sections:

		Page
I.	General Criteria	1
II.	Jurisdiction/Authorities to Issue Permits	3
III.	Eligible Activities	4
IV.	General Conditions	23
V.	Content of Pre-Construction Notification	39
VI.	Definitions and Acronyms	42
VII.	Self-Verification Notification Form	50
VIII.	SHPO/THPO Notification Form	52
IX.	State-Specific Supplement	53

I. GENERAL CRITERIA

1. Prospective permittees need to read:
   a. Section II to determine if the activity requires Corps authorization; and
   b. Sections III, IV and IX to determine if the activity may be eligible for authorization under the GPs, specifically whether it is eligible for self-verification (SV) or whether preconstruction notification (PCN) is required.

2. Permittees must ensure compliance with all applicable general conditions in Section IV. The Corps will consider any activity requiring Corps authorization to be unauthorized if that activity is under construction or completed and does not comply with all of the terms and conditions.

3. Project proponents are encouraged to contact the Corps with questions at any time. Pre-application meetings (see 33 CFR 325.1(b)), whether arranged by the Corps or requested by permit applicants, are encouraged to facilitate the review of projects. Pre-application meetings can help streamline the permit process by alerting the applicant to potentially time-consuming concerns that are likely to arise during the evaluation of their project (e.g., avoidance, minimization and compensatory mitigation requirements (GC 4), historic properties (GC 6), endangered species (GC 8), essential fish habitat, and dredging contaminated sediments).

4. Activities may still qualify for authorization under the GPs if they are not regulated by the State.

5. Projects that are not authorized by these GPs require an Individual Permit (IP) (33 CFR 325.5) and proponents must submit an application directly to the Corps. These GPs do not affect the Corps IP

review process or activities exempt from Corps regulation. For general information and application form, see the Corps website or contact the Corps (see Section IX, Part C). The Corps encourages applicants to apply concurrently for a Corps IP and applicable State permits.

The Corps retains discretionary authority on a case-by-case basis to elevate a SV to PCN or IP, or a PCN to IP based on concerns for the aquatic environment or for any other factor of the public interest (33 CFR 320.4(a)). Whenever the Corps notifies an applicant that a PCN or IP is required, no work in Corps jurisdiction may be conducted until the Corps issues the required authorization in writing indicating that work may proceed.

6. How to Obtain/Apply for Authorization

a. Self-Verification (Self-Verification Notification Form (SVNF) required):
The SVNF is required for all SV eligible work in MA unless otherwise stated in GPs 1 - 23. The SVNF is not required for the work specified in the notes to GPs 2, 16, 17, 19 and 21. Activities that are eligible for SV are authorized under the GPs and may commence without written verification from the Corps provided the prospective permittee has:

i. Confirmed that the activity will meet the terms and conditions of applicable GPs. Consultation with the Corps and/or other relevant Federal and State agencies may be necessary to ensure compliance with the applicable general conditions (GCs) (see Section IV and Section IX, Part A, Subpart 3) and related Federal laws such as the National Historic Preservation Act (see GC 6), the Endangered Species Act (GC 8) and the Wild and Scenic Rivers Act (GC 9). Prospective permittees are encouraged to contact the Corps with SV eligibility questions. Activities not meeting the SV criteria must submit a PCN to the Corps.

ii. Submitted the SVNF (see GC 30) to the Corps.

b. Pre-Construction Notification (PCN) (application and written verification required):
For activities that do not qualify for SV or where otherwise required by the terms of the GPs, the permittee must submit a PCN and obtain written verification before starting work in Corps jurisdiction. Refer to the state-specific procedures in Section IX, Part B for information, including appropriate forms, content, and whether PCNs are submitted to the Corps or the State.

i. The Corps will coordinate review of all activities requiring PCN with Federal and State agencies and Federally recognized tribes, as appropriate. To be eligible and subsequently authorized, an activity must result in no more than minimal individual and cumulative effects on the aquatic environment as determined by the Corps in accordance with the criteria listed within these GPs. This may require project modifications involving avoidance, minimization, or compensatory mitigation for unavoidable impacts to ensure that the net adverse effects of a project are no more than minimal.

ii. Emergency Situations: Contact the Corps and the State (see Section IX, Part C) in the event of an emergency situation for information on the application and approval process. Emergency situations are limited to sudden, unexpected occurrences that could potentially result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application under standard procedures. Emergency work is subject to the same terms and conditions of these GPs as non-emergency work, and similarly, must qualify for authorization under the GPs; otherwise an IP is required. The Corps will work with all applicable agencies to expedite verification according to established procedures in emergency situations.

II. JURISDICTION/AUTHORITIES TO ISSUE PERMITS

1. The following regulated activities require authorization under the Corps Regulatory Program:

a. The construction of any structure in, over or under any navigable water of the United States (U.S.) [1], the excavating or dredging from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters. The Corps regulates these activities under Section 10 of the Rivers and Harbors Act of 1899. See 33 CFR 322;

b. The discharge of dredged or fill material and discharges associated with excavation into waters of the U.S. The Corps regulates these activities under Section 404 of the Clean Water Act (CWA). See 33 CFR 323; and

c. The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates these activities under Section 103 of the Marine Protection, Research and Sanctuaries Act. See 33 CFR 324.

2. Related laws:

33 CFR 320.3 includes a list of related laws, including: Section 401 of the CWA, Section 402 of the CWA, Section 307(c) of the Coastal Zone Management Act of 1972, the National Historic Preservation Act of 1966, the Endangered Species Act, the Fish and Wildlife Act of 1956, the Marine Mammal Protection Act of 1972, the Magnuson-Stevens Act, and Section 7(a) of the Wild and Scenic Rivers Act.

[1] Defined in Section VI, Definitions and at 33 CFR 328.

III. ELIGIBLE ACTIVITIES

Terms and Conditions

An activity is authorized under GPs 1-23 below only if that activity and the permittee satisfy all of the GP's terms and conditions. Activities that do not qualify for authorization under a GP still may be authorized by an IP. The Corps will consider any activity requiring Corps authorization to be unauthorized if that activity is under construction or completed and does not comply with all of the terms and conditions of a GP or an IP. This may subject you to the enforcement provisions of our regulations.

Area Limits

The following area limits apply when a) there is a discharge of dredged or fill material or a discharge associated with excavation into waters of the U.S., and b) stated in GPs 1, 8-14, 16-20 and 22. The area limits do not apply to GPs 2-7, 15, 21 and 23. Unless otherwise stated (e.g., temporary construction mats in GP 14), the total temporary and permanent[2] impact area is used to determine if a single and complete project is eligible for SV or requires a PCN. However, the total permanent impact area is used to determine whether a single and complete project exceeds the PCN limits and requires an IP. Temporary discharges, including discharges associated with excavation, are only authorized under GPs 6, 10 and 14.

Resource	SV Limits (SV Eligible)	PCN Limits (PCN Required)	IP Limits (IP Required)
Non-tidal waters of the U.S.	0 to 5,000 SF	>5,000 SF to 1 acre	>1 acre
Tidal waters of the U.S.	not eligible	all discharges ≤1/2 acre	>1/2 acre
SAS* in tidal waters of the U.S. excluding vegetated shallows	not eligible	all discharges ≤1000 SF	>1000 SF
SAS* in tidal waters of the U.S. consisting of vegetated shallows only	not eligible	all discharges ≤100 SF (compensatory mitigation is required)	>100 SF

*Special Aquatic Sites (SAS) consist of wetlands, mud flats, vegetated shallows, sanctuaries and refuges, coral reefs, and riffle and pool complexes. These are defined at 40 CFR 230 Subpart E.

[2] Permanent impacts include, but are not limited to, waters of the U.S. that are permanently affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent impacts include, but are not limited to, permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. Temporary impacts include, but are not limited to, waters of the U.S. that are temporarily filled, flooded, excavated, drained or mechanically cleared because of the regulated activity. Impacts resulting from activities eligible for exemptions under Section 404(f) of the CWA are not considered when calculating the impact area.

General Permits

1. Repair, Replacement and Maintenance of Authorized Structures and Fills
2. Moorings
3. Pile-Supported Structures, Floats and Lifts
4. Aids to Navigation, and Temporary Recreational Structures
5. Dredging, Disposal of Dredged Material, Beach Nourishment, and Rock Removal and Relocation
6. Discharges of Dredged or Fill Material Incidental to the Construction of Bridges
7. Bank and Shoreline Stabilization
8. Residential, Commercial and Institutional Developments, and Recreational Facilities
9. Utility Line Activities
10. Linear Transportation Projects Including Stream Crossings
11. Mining Activities
12. Boat Ramps and Marine Railways
13. Land and Water-Based Renewable Energy Generation Facilities and Hydropower Projects
14. Temporary Construction, Access, and Dewatering
15. Reshaping Existing Drainage Ditches, New Ditches, and Mosquito Management
16. Response Operations for Oil and Hazardous Substances
17. Cleanup of Hazardous and Toxic Waste
18. Scientific Measurement Devices
19. Survey Activities
20. Agricultural Activities
21. Fish and Wildlife Harvesting and Attraction Devices and Activities
22. Habitat Restoration, Establishment and Enhancement Activities
23. Previously Authorized Activities

GP 1. Repair, Replacement and Maintenance of Authorized Structures and Fills (Sections 10 and 404; tidal and non-tidal waters of the U.S.)

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable[3], structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3 provided that the structure or fill is not to be put to uses differing from those uses specified in the original permit or the most recently authorized modification.[4] Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are also eligible. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project or within the boundaries of the structure or fill. Also eligible is the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. Existing conditions are those that existed on previously serviceable structures or fill immediately prior to the event. In cases of catastrophic events, such as hurricanes or tornadoes, the Corps may waive the two-year limit in writing provided the permittee can demonstrate funding, contract, or other similar delays.

Self-Verification Eligible	PCN Required	Not authorized under GP 1 or IP Required
1. No new permanent impacts to SAS; and 2. The removal of accumulated sediments and debris in the vicinity of existing structures (limited to bridges, culverted road crossings, water intake structures and dams), provided: a) removal is the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built; b) removal extends no farther than 50 feet in any direction from the structure; and c) all dredged or excavated materials are deposited and retained in an upland area; and 3. No expansion (e.g., structures) or new discharges of dredged or fill material (i.e., outside of the previously authorized footprint); and 4. Modifications to existing stream crossings (e.g., culverts, elliptical or arch pipes, etc.) that do not a) increase velocity; b) decrease the diameter of the crossing;or c) change the friction coefficient. No sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining. GC 19 is particularly relevant. See GP 10 for stream crossing authorizations; and 5. Dam and flood control or levee repair, rehabilitation, or replacement: a. No change in the flood elevation or permanent water surface elevation of the impoundment; and b. Drawdown of impoundment for construction does not exceed one growing season; and c. No work at the Holyoke or Turners Falls Dams; and	1. New permanent impacts to SAS that do not exceed the PCN limits on page 4; or 2. The removal of accumulated sediments and debris in the vicinity of existing structures that does not meet the requirements of #1 in the SV column; or 3. All expansions or new discharges of dredged or fill material (i.e., outside of the previously authorized footprint), including the creation of new berms, that do not exceed the PCN limits on page 4; or 4. Modifications to existing stream crossings (e.g., culverts, elliptical or arch pipes, etc.) that a) increase velocity; b) decrease the diameter of the crossing; c) change the friction coefficient; or d) involve sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining. These are not considered minor deviations. GC 19 is particularly relevant; or 5. Dam and flood control or levee repair, rehabilitation, or replacement involves: a. Change in the flood elevation or permanent water surface elevation of the impoundment; or b. Drawdown of impoundment for construction exceeding one growing season; or	1. New stream channelization or stream relocation projects (e.g., those in response to storm or flood events); or 2. Stream crossing culvert extensions and culvert replacements (see GP 10 where these may be eligible for SV or PCN); or 3. Maintenance dredging (see GP 5 where this may be eligible for SV or PCN); or 4. Replacement of non-

[3] Currently serviceable is defined as useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

[4] This authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the CWA Section 404(f) exemption for maintenance. See 33 CFR 323.4(a)(2).

6. The discharge of de minimis (i.e., inconsequential) quantities of accumulated bottom sediment occur from or through a dam into downstream waters[5]; and 7. Work to tide gates done in accordance with a State permitting agency or Corps-approved operation and maintenance plan and changes do not affect the hydraulic regime.	6. The discharge of more than de minimis (i.e., inconsequential) quantities of accumulated bottom sediment occur from or through a dam into downstream waters[5]; or 7. Work to previously approved tide gates without a State permitting agency or Corps-approved operation and maintenance plan or changes affect the hydraulic regime.	functioning tide gates.

Notes:
1. Applicants are encouraged to contact the Corps with questions on whether or not an activity qualifies for GP 1.
2. The time of year (TOY) work windows/restrictions in GC 18 do not apply to work authorized under GP 1 unless the work causes turbidity or sediment resuspension in streams and tidal waters.
3. In addition to the TOY restrictions in GC 18, work authorized under GP 1 that causes turbidity or sediment resuspension in tidal waters, the Connecticut River from the MA/CT border to the Turners Falls Dam, Merrimack River to the Essex Dam, or Taunton River, cannot be conducted between Mar 16 and Oct 31. This is required to avoid effects to listed species under National Marine Fisheries Service (NMFS) jurisdiction and can only be waived by the Corps, not in a written State determination (see GC 18(a)).

GP 2. Moorings (Section 10; navigable waters of the U.S.)
New moorings and mooring fields; the relocation of previously authorized[6] moorings; expansions, boundary reconfigurations or modifications of previously authorized mooring fields; and maintenance and replacement of moorings.

Self-Verification Eligible	PCN Required	Not authorized under GP 2 or IP Required
New or relocation of moorings that are: a. Authorized by a local harbormaster/municipality under MGL Chapter 91 Section 10A; and b. Single boat and single-point; and c. Not associated with a boating facility[7]; and d. Not placed in tidal vegetated shallows (e.g., eelgrass) (see Note 4) unless low impact mooring technology is used (see Note 5); and e. Not located within a Corps Federal Channel[21] or its buffer zone.	1. New or relocation of moorings that are: a. Not authorized by a local harbormaster/municipality under MGL Chapter 91 Section 10A; or b. Not single boat and single-point; or c. Associated with a boating facility[7]; or d. Placed in tidal vegetated shallows (e.g., eelgrass) (see Note 4) without low impact mooring technology (see Note 5); or e. Not located within a Corps Federal Channel[21]. 2. New mooring fields; or expansions, boundary reconfigurations or modifications of existing, authorized mooring fields. Municipal mooring fields may be established in a Corps Federal anchorage[21].	1. Moorings or mooring fields classified as or associated with a new boating facility[7]; or 2. Moorings in a Corps Federal anchorage[21] that are classified as a boating facility[7]; or 3. Moorings in a Corps Federal channel[21].

Notes:
1. Moorings installed or relocated prior to January 11, 2000 are considered authorized under the non-reporting provisions of the GPs that were in effect at that time. Moorings installed or relocated between January 11, 2000 and January 20, 2010 are considered authorized under the non-reporting provisions of the GPs

[5] See Corps Regulatory Guidance Letter No. 05-04 for more information.
[6] For all GPs, "authorized" means authorized by the Corps, not a state or municipality, unless otherwise stated. A SVNF was not required before January 21, 2010.
[7] Boating facilities provide, rent or sell mooring or docking space, such as marinas, yacht clubs, boat clubs, boat yards, dockominiums, town facilities, land/home owners associations, etc. Not classified as boating facilities are piers shared between two abutting properties, or municipal moorings or municipal mooring fields that charge an equitable user fee based only on the actual costs incurred.

that were in effect at that time; note that moorings in vegetated shallows required an application.
2. Activities in mooring fields must meet the terms and conditions of the original authorization.
3. Maintenance, including replacement, of previously authorized moorings is required in accordance with the terms and conditions of the original authorization and does not require a SVNF.
4. The project proponent is responsible for conducting an adequate site-specific survey to verify that SAS are not present. Vegetated shallow survey guidance is located at www.nae.usace.army.mil/missions/regulatory >> Jurisdictional Limits and Wetlands >> Submerged Aquatic Vegetation Survey Guidance.
5. Low impact mooring technology prevents any part of the tackle from dragging on the bottom during the tidal cycle.
6. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant to GP 2 are GCs 7(c) and 10.

GP 3. Pile-Supported Structures, Floats and Lifts (Section 10; navigable waters of the U.S.)
(a) New, expansions[8], reconfigurations or modifications of private: i) poles, piles, or pole-supported or pile-supported structures (hereinafter referred to as "structures") for navigational access; ii) floats; and iii) boat and float lifts (hereinafter referred to as "lifts"); and
(b) New, expansions, reconfigurations, reconfiguration zones, or modifications of structures, floats and lifts that provide public, community or government recreational uses such as boating, fishing, swimming, access, etc.; and
(c) Expansions, reconfigurations, reconfiguration zones, or modifications of previously authorized boating facilities[7].

Self-Verification Eligible	PCN Required	Not authorized under GP 3 or IP Required
1. Structures with decking ≤4 feet in total width or span <100 feet over salt marsh; and 2. Structures in tidal waters have ≥1:1 height/width ratio[9]; and 3. Structures and floats in navigable waters meet the requirements in Section IX, Part A, Subpart 1; and 4. Floats in tidal waters are ≥18 inches above the substrate at any time. Note: To be eligible for SV, skids may only be used in areas where piles are not feasible and only on sandy or hard bottom substrates; and 5. Structures, floats, their moored vessels, or lifts are located ≥25 feet from areas that have been mapped or that currently contain vegetated shallows; and 6. Floats are not located over SAS (see Note 1); and 7. Structures, floats or lifts extend ≤75 feet waterward from: a) MHW, or b) ordinary high water (OHW) in non-tidal navigable waters; and 8. Structures, floats or lifts extend ≤25% of the waterway width at mean low water (MLW) or OHW. See www.nae.usace.army.mil/missions/regulatory >> Forms and Publications >> Structure Placement in Navigable Waterways; and 9. Construction activities related to structures, floats or lifts extend ≤25% of the waterway width at OHW or MLW during the TOY restriction specified in GC 18. The purpose is to avoid impeding fish migration; and 10. Structures, floats or lifts are located ≥25 feet from property lines. The Corps may require a letter of no objection from the abutter(s) if <25 feet.	1. Structures, floats and lifts that are not eligible for self-verification; or 2. Expansions, reconfigurations, reconfiguration zones, or modifications at any authorized boating facility; or 3. New, expansions, reconfigurations, reconfiguration zones, or modifications of structures, floats or lifts that provide public, community or government recreational uses such as boating, fishing, swimming, access, etc.	1. New boating facilities[7], including any change that converts a private structure, float or lift to a boating facility;or 2. Structures, floats or ancillary portions of structures or floats over tidal waters for the purpose of activities usually associated with land, including but not limited to benches, decks, sunbathing and picnicking.

[8] Expansions are defined as work that increases the footprint of structures or floats or slip capacity.
[9] The height of structures shall at all points be equal to or exceed the width of the deck. For the purpose of this definition, height shall be measured from the marsh substrate to the bottom of the longitudinal support.

Notes:
1. The project proponent is responsible for conducting an adequate site-specific survey to verify that SAS are not present. Vegetated shallow survey guidance is located at www.nae.usace.army.mil/missions/regulatory >> Jurisdictional Limits and Wetlands >> Submerged Aquatic Vegetation Survey Guidance.
2. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant to GP 3 are GCs 7(c), 10 and 12. The TOY work windows/restrictions in GC 18 only apply to the work that is specified in SV 9 above.
3. The term pile-supported also refers to wheel-supported structures.

GP 4. Aids to Navigation and Temporary Recreational Structures (Section 10; navigable waters of the U.S.)

(a) Aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (USCG). (See 33 CFR 66, Chapter I, subchapter C); and

(b) Temporary buoys, markers, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use.

Self-Verification Eligible	PCN Required	Not authorized under GP 4 or IP Required
1. Aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the USCG; and 2. Temporary buoys, markers and similar structures: a) placed for recreational use during specific events and removed within 30 days after event, b) placed during winter events on ice and removed before spring thaw, and c) authorized by the local harbormaster if in a Corps Federal Navigation Project (FNP)[21].	1. Aids to navigation and regulatory markers that are not approved by and installed in accordance with the requirements of the USCG; or 2. Temporary buoys, markers and similar structures: a) placed for recreational use during specific events but not removed within 30 days after event, b) placed during winter events on ice, but not removed before spring thaw, or c) not authorized by the local harbormaster if in an Corps FNP[21].	

Note:
1. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant to GP 4 is GC 10.

GP 5. Dredging (Section 10; navigable waters of the U.S.), Disposal of Dredged Material (Sections 10, 404 &103; tidal waters of the U.S.), Beach Nourishment (Sections 10 & 404; tidal and non-tidal waters of the U.S.); Rock Removal (Section 10, navigable waters of the U.S.) and Rock Relocation (Sections 10 & 404; tidal and non-tidal waters of the U.S)

New dredging and maintenance dredging, including: a) Return water from an upland contained dredged material disposal area where the quality of the return water is controlled by the State through the CWA Section 401 Water Quality Certification procedures; and b) Disposal of dredged material at a confined aquatic disposal, beach nourishment, nearshore, designated open water or ocean water disposal site, provided the Corps finds the dredged material to be suitable for such disposal and EPA concurs. Beach nourishment. Rock removal and relocation for navigation.

Self-Verification Eligible	PCN Required	Not authorized under GP 5 or IP Required
1. No new dredging; and 2. See Section IX, Part A, Subpart 1, for maintenance dredging requirements; and 3. No beach nourishment in waters of the U.S.; and 4. Rock removal and relocation for navigation ≤500 SF with no impacts to SAS.	1. See Section IX, Part A, Subpart 1, for new dredging requirements; or 2. See Section IX, Part A, Subpart 1, for maintenance dredging requirements; or 3. Beach nourishment in waters of the U.S. not associated with dredging does not exceed the PCN limits on Page 4; or 4. Rock removal and relocation for navigation >500 SF to ≤5000 SF; or 5. Maintenance dredging where the primary purpose sand mining for beach nourishment (the requirements in (1) and (2) above apply).	1. See Section IX, Part A, Subpart 1, for new dredging requirements; or 2. See Section IX, Part A, Subpart 1, maintenance dredging requirements; or 3. Beach scraping; or 4. Rock removal and relocation for navigation >5,000 SF; or 5. New dredging where the primary purpose is sand mining for beach nourishment. .

Notes:
1. See Section VI for the definitions of new and maintenance dredging. The Corps may review a maintenance dredging activity as new dredging if sufficient time has elapsed to allow for the colonization of SAS, shellfish, etc.
2. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant for beach nourishment are GCs 8 and 17(f), and for dredging are GC 12 and the TOY work windows/restrictions in GC 18.

GP 6. Discharges of Dredged or Fill Material Incidental to the Construction of Bridges (Section 404; navigable waters of the U.S.)

Discharges of dredged or fill material incidental to the construction and modification of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided that the USCG authorizes the construction of the bridge structure under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws. A USCG Authorization Act Exemption or a STURRA (144h) exemption do not constitute USCG authorization.

Self-Verification Eligible	PCN Required	Not authorized under GP 6 or IP Required
1. Discharges of dredged or fill material incidental to the construction of bridges.		1. Causeways and approach fills. These may be eligible for authorization under GP 10.

Note:
1. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant to GP 6 is GC 10, which requires a PCN for work in, over or under a Corps FNP or its buffer zone.[21]

GP 7. Bank and Shoreline Stabilization (Sections 10 &404, tidal and non-tidal waters of the U.S.) Bank stabilization activities necessary for erosion protection along the banks of lakes, ponds, streams, estuarine and ocean waters, and any other open waters. Also eligible are non-structural shoreline stabilization activities. Activities must meet the following criteria: a) Minimize impacts to aquatic resources, including wetland vegetation, diversion of overland flow, and impacts on and scour of neighboring properties;[10] b) No material is placed in excess of the minimum needed for erosion protection; c) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the U.S.; or d) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas).		
Self-Verification Eligible	PCN Required	Not authorized under GP 7 or IP Required
1. The bank disturbance is: a. ≤100 feet in length including both stream banks, and b. ≤1 cubic yard of fill per linear foot average along the bank waterward of the plane of OHW or high tide line (HTL); and 2. The slope of the structure is more gradual than 1V:3H in lakes/ponds; and 1V:1H in non-tidal streams and tidal waters and streams; and 3. No permanent impacts to SAS occur; and 4. Non-structural shoreline stabilization activities ≤100 feet in length.	1. The bank disturbance is: a. >100 feet to ≤500 feet in length including both stream banks, or b. >1 cubic yard of fill per linear foot average along the bank waterward of the plane of OHW or high tide line (HTL); or 2. The slope of the structure is steeper than 1V:3H in lakes/ponds; and 1V:1H in non-tidal streams and tidal waters and streams; or 3. Permanent impacts to SAS occur; or 4. Non-structural shoreline stabilization activities >100 feet in length.	1. The activity is >500 feet in total length including both stream banks unless the Corps waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse effects; or 2. Stream channelization or relocation activities; or 3. Breakwaters, groins, and jetties.
Notes: 1. See GP 1 for the replacement of existing, currently serviceable structures. 2. Bank stabilization structures must be designed to minimize environmental effects, effects to neighboring properties, etc. to the maximum extent practicable. This means using the appropriate, least intrusive method to stabilize the bank following this sequential minimization process: avoidance, diversion of overland flow, vegetative stabilization, stone-sloped surfaces, and walls. Vertical walls/bulkheads must only be used in situations where reflected wave energy can be tolerated. This generally eliminates bodies of water where the reflected wave energy may interfere with or impact on harbors, marinas, or other developed shore areas. 3. Non-structural shoreline stabilization activities provide substrate necessary to support wetland vegetation and are associated with existing tidal marsh improvements and/or new marsh creation that may include the placement of sand fill, coir logs, coir mats, and/or native oyster shell. Non-structural shoreline stabilization does not use hard components such as stone.		

[10] Materials such as angular stone, subangular stone or fiber roll revetments are effective at dissipating wave energy. Vertical walls/bulkheads should only be used in situations where reflected wave energy can be tolerated. This generally eliminates waterbodies where the reflected wave energy may interfere with or impact on harbors, marinas, or other developed shore areas. A revetment is sloped and typically absorbs the direct impact of waves more effectively than a vertical seawall. It typically has a less adverse effect on the beach in front of it, abutting properties and wildlife. For more information, see the Corps Coastal Engineering Manual, located at http://chl.erdc.usace.army.mil. Select "Products/ Services" and then "Publications." Part 5, Chapter 7-8, a(2)c is particularly relevant.

GP 8. Residential, Commercial and Institutional Developments (Sections 10 &404, non-tidal waters of the U.S.); Recreational Facilities (Section 404, non-tidal waters of the U.S).

Discharges of dredged or fill material for the construction or expansion of: a) residences and residential subdivisions; b) residential, commercial and institutional building foundations and building pads; and c) recreational facilities. This GP authorizes attendant features that are necessary for the use such as parking lots, garages, and yards. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. Examples of recreational facilities include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, golf courses, ski areas, nature centers, and campgrounds. Associated utilities are eligible for authorization under Activity 9. Associated driveways, roads, stream crossings, hiking trails, bike, cart and horse paths are eligible for authorization under Activity 10.

Self-Verification Eligible	PCN Required	Not authorized under GP 8 or IP Required
1. Permanent impacts: a. Meet the SV limits on page 4; and b. Do not occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; and 2. No work occurs in navigable waters of the U.S.; and 3. No stream channelization, relocation or loss of streambed including impoundments.	1. Permanent impacts: a. Meet the PCN limits on page 4, or b. Occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; or 2. Work occurs in non-tidal navigable waters of the U.S.; or 3. Stream channelization, relocation or loss of streambed including impoundments occurs.	1. Permanent impacts require an IP as stated on page 4; or 2. Work occurs in tidal waters of the U.S.; or 3. A stormwater treatment or detention system occurs in waters of the U.S. See Note 2; or 4. A subsurface sewerage disposal system occurs in waters of the U.S. See Note 2.

Notes:
1. Impacts include the aggregate total impact area for subdivisions and associated individual lots.
2. Stormwater conveyance components and non-porous, septic effluent pipes that transmit effluent to or between components may be eligible for authorization under GP 9.

GP 9. Utility Line Activities[11] (Sections 10 & 404; tidal and non-tidal waters of the U.S.)

Eligible for authorization are:
(a) The construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines in tidal and non-tidal waters of the U.S.; and
(b) The construction, maintenance, or expansion of utility line substation facilities associated with a power line or utility line in non-tidal waters of the U.S.; and
(c) The construction or maintenance of foundations for overhead utility line towers, poles, and anchors in tidal and non-tidal waters of the U.S. provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads and temporary fill are eligible for authorization under GPs 10 and 14 respectively. For (a)-(c) and any other associated activities (e.g., GPs 10 and14), if the total impact area for any single and complete projects requires a PCN, then a PCN is required for the overall project. The PCN must describe the locations of the starting point, end point, and all proposed impacts to aquatic resources in between in order to assess the cumulative effects of the overall project.

Self-Verification Eligible	PCN Required	Not authorized under GP 9 or IP Required

[11] A utility line is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, data, and telegraph messages, and radio and television communication. The term utility line doesn't include activities that drain a water of the U.S., such as drainage tile or French drains, but it does apply to pipes conveying drainage from another area.

1. Cumulative permanent impacts for the overall project: a. Meet the SV limits on page 4, and b. Do not occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; and 2. No work occurs in, over or under navigable waters of the U.S.; and 3. Intake structures that are dry hydrants used exclusively for firefighting activities with no stream impoundments; and 4. There is no permanent change in pre-construction contours in waters of the U.S.; and 5. Material resulting from trench excavation is temporarily sidecast into waters of the U.S. for ≤3 months and is placed in such a manner that it is not dispersed by currents or other forces; and 6. The utility line is placed within and does not run a) parallel to, or b) along a streambed; and 7. No stream channelization, relocation or loss of streambed including impoundments occurs.	1. Cumulative permanent impacts for the overall project: a. Meet or exceed the PCN limits on page 4 provided no single and complete project exceeds the PCN limits on page 4, or b. Occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; or 2. Work occurs in, over or under navigable waters of the U.S.; or 3. Intake structures other than dry hydrants used exclusively for firefighting activities with no stream impoundments; or 4. There is a permanent change in pre-construction contours in waters of the U.S.; or 5. Material resulting from trench excavation is temporarily sidecast into waters of the U.S. for >3 months or is placed in such a manner that it is dispersed by currents or other forces; or 6. The utility line is placed within and runs parallel to or along a streambed; or 7. Stream channelization, relocation or loss of streambed including impoundments occurs.	The overall project will require an IP if any single and complete project requires an IP as stated on page 4.
Notes: 1. Where the proposed utility line is temporarily or permanently constructed or installed in tidal or non-tidal navigable waters of the U.S. (i.e., Section 10 waters), the Corps will send the application and any written verification to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service for charting the utility line to protect navigation. Permittees should refer to the special conditions in the Corps written verification for requirements. 2. For overhead utility lines authorized by this GP, the Corps will send the application and any written verification to the Department of Defense Siting Clearinghouse[12], which will evaluate potential effects on military activities. 3. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant to GP 9 are GCs 13 and 17(f). 4. Impacts resulting from mechanized pushing, dragging, or other similar activities that redeposit excavated soil material shall be figured into the area limit determination on page 4.		

GP 10. Linear Transportation Projects Including Stream Crossings (Sections 10 & 404; tidal and non-tidal waters of the U.S.) Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., driveways, roads, highways, railways, trails, airport runways, and taxiways) and attendant features. Any stream channel modification is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project. For the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, the minimization requirement in GC 4 is particularly relevant and access roads shall be constructed as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the U.S. must be properly bridged or culverted to maintain surface flows. For GP 10 and any other associated activities (e.g., GP 14), if the total impact area for any single and complete project requires a PCN, then a PCN is required for the overall project. The PCN must describe the starting and end point locations, and all proposed impacts to aquatic resources in between in order to assess the cumulative effects of the overall project.		
Self-Verification Eligible	PCN Required	Not authorized under GP 10 or IP Required

[12] Via hard copy: Department of Defense Clearinghouse, Attn: Mr. Marshal Williams and Mr. David Blalock, 101 Marietta St, NW, Suite 3120, Atlanta, GA 30303; or via e-mail: frederick.m.williams28.civ@mail.mil and david.c.blalock2.civ@mail.mil.

1. Cumulative permanent impacts for the overall project: a. Meet the SV limits on page 4, and b. Do not occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; and 2. No stream channelization, relocation or loss of streambed including impoundments occurs; and 3. No work occurs in navigable waters of the U.S; and 4. Permanent stream crossings (new crossings, replacement crossings and expansions of existing crossings (e.g., culvert extensions)) in non-tidal streams that comply with the "Permanent Crossings in Non-Tidal Streams" section of the Stream Crossing BMP document[13] (GC 17(f) is particularly relevant); and 5. Temporary stream crossings in non-tidal streams that comply with the "Temporary Crossings in Non-Tidal Streams" section of the Stream Crossing BMPs document[13] (GCs 15 and 17 are particularly relevant); and 6. Existing crossings (e.g., culverts, elliptical or arch pipes, etc.) are not modified by a) decreasing the diameter of the crossing or b) changing the friction coefficient, such as through sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining; and 7. Bank stabilization along the banks of streams conducted by Federal or State transportation agencies necessary to protect the transportation infrastructure is done in accordance with GP 7 and is ≤100 feet in length on each side of the stream bank.	1. Cumulative permanent impacts for the overall project: a. Meet or exceed the PCN limits on page 4 provided no single and complete project exceeds the PCN limits on page 4, or b. Occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; or 2. Stream channelization, relocation or loss of streambed including impoundments occurs; or 3. Work occurs in navigable waters of the U.S. PCN review guidelines for permanent crossings in tidal streams are provided in the "Permanent Crossings in Tidal Streams" section of the Stream Crossing BMP document[13]; or 4. Permanent stream crossings (new crossings, replacement crossings and expansions of existing crossings (e.g., culvert extensions)) in non-tidal streams that do not comply with the "Permanent Crossings in Non-Tidal Streams" section of the Stream Crossing BMP document[13] (GC 17(f) is particularly relevant); or 5. Temporary stream crossings in non-tidal streams that do not comply with the "Temporary Crossings in Non-Tidal Streams" section of the Stream Crossing BMP document[14] (GCs 15 and 17 are particularly relevant); or 6. Existing crossings (e.g., culverts, elliptical or arch pipes, etc.) are modified by a) decreasing the diameter of the crossing or b) changing the friction coefficient, such as through sliplining (retrofitting an existing culvert by inserting a smaller diameter pipe), culvert relining or invert lining; or 7. Bank stabilization along the banks of streams conducted by Federal or State transportation agencies necessary to protect the transportation infrastructure is done in accordance with GP 7 and is >100 feet in total length on each side of the stream bank but <500 feet including both stream banks.	1. The overall project will require an IP if any single and complete project requires an IP as stated on page 4; or 2. Non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; or 3. New tide gates.
Notes: 1. Discharges of dredged or fill material incidental to the construction of bridges across navigable waters may be authorized under GP 6. 2. GP 10 cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars. These may eligible for authorization under GP 8. 3. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant for stream crossings are: a) GC 1. The State may have stream crossing requirements that are different than the Corps requirements. For reference, they are located at: www.nae.usace.army.mil/missions/regulatory >> Stream and River Continuity; and b) GCs 17 - GC 19. 4. Loss of streambed is not considered to occur when: a) stream crossings are constructed in accordance with the Stream Crossing BMPs for permanent crossings; or b) bridge piers or similar supports are used.		

[13] www.nae.usace.army.mil/missions/regulatory >> State General Permits >> Permit Resources.

GP 11. Mining Activities (Sections 10 and 404; non-tidal waters of the U.S.)

Discharges of dredged or fill material into non-tidal waters of the U.S. for mining activities, except for coal mining and metallic mineral mining activities. If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with any PCN.

Self-Verification Eligible	PCN Required	Not authorized under GP 11 or IP Required
1. Permanent impacts: a. Meet the SV limits on page 4, and b. Do not occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; and 2. No work occurs in navigable waters of the U.S.; and 3. No stream channelization, relocation or loss of streambed including impoundments, or discharge of tailings into streams occurs.	1. Permanent impacts: a. Meet the PCN limits on page 4, or b. Occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; or 2. Work occurs in non-tidal navigable waters of the U.S.; or 3. Stream channelization, relocation or loss of streambed including impoundments, or discharge of tailings into streams occurs.	1. Permanent impacts require an IP as stated on page 4; or 2. Work occurs in tidal waters of the U.S.

GP 12. Boat Ramps and Marine Railways (Sections 10 and 404; tidal and non-tidal waters of the U.S.)

Activities required for the construction of boat ramps and marine railways. If dredging in navigable waters of the U.S. is necessary to provide access to the boat ramp, the dredging must be authorized by GP 5.

Self-Verification Eligible	PCN Required	Not authorized under GP 12 or IP Required
1. Permanent impacts: a. Meet the SV limits on page 4, and b. Do not occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; and 2. No work occurs in navigable waters of the U.S.; and 3. Boat ramps are not located within 25 feet of property lines. The Corps may require a letter of no objection from the abutter(s).	1. Permanent impacts: a. Meet the PCN limits on page 4, or b. Occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; or 2. Work occurs in navigable waters of the U.S.; or 3. Boat ramps are located within 25 feet of property lines. The Corps may require a letter of no objection from the abutter(s).	1. Base material other than crushed stone, gravel or other suitable and structurally stable material; or 2. Excavation beyond that limited to the area necessary for site preparation; or 3. Excavated material that is removed to an area that has waters of the U.S.

GP 13. Land and Water-Based Renewable Energy Generation Facilities (Sections 10 and 404; tidal and non-tidal waters of the U.S.), and Hydropower Projects (Section 404; tidal and non-tidal waters of the U.S.)

Structures and work in navigable waters of the U.S. and discharges of dredged or fill material into tidal and non-tidal waters of the U.S. for the construction, expansion, modification or removal of:

(a) Land-based renewable energy production facilities, including attendant features; and

(b) Water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features (for the purposes of this GP, the term "pilot project" means an experimental project where the renewable energy is not sold and the generation units are monitored to collect information on their performance and environmental effects at the project site); and

(c) Discharges of dredged or fill material associated with hydropower projects: i) at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended, or the appropriate State or local permitting agency; or ii) with a licensing exemption granted by the FERC pursuant to Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and Section 30 of the Federal Power Act, as amended.

For (a) and (b) above, such facilities include water-based wind or hydrokinetic renewable energy generation projects and infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, and parking lots. For each single and complete project in (b) above, no more than 10 generation units (e.g., wind turbines or hydrokinetic devices) are authorized in navigable waters of the U.S.		
Self-Verification Eligible	PCN Required	Not authorized under GP 13 or IP Required
For land-based facilities: 1. Permanent impacts: a. Meet the SV limits on page 4, and b. Do not occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; and 2. No work occurs in navigable waters of the U.S.; and 3. No stream channelization, relocation or loss of streambed including impoundments. For water-based facilities and hydropower projects: 1. No activities are eligible.	For land-based facilities: 1. Permanent impacts: a. Meet the PCN limits on page 4, or b. Occur in non-tidal SAS, except permanent impacts to non-tidal wetlands may be eligible for SV; or 2. Work occurs in navigable waters of the U.S.; or 3. Stream channelization, relocation or loss of streambed including impoundments occurs. For water-based facilities and hydropower projects: 1. All work eligible for authorization under this activity provided the permanent impacts do not exceed the PCN limits on page 4.	Permanent impacts require an IP as stated on page 4.

Notes:

1. Utility lines constructed to transfer the energy from the land-based renewable generation or collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and those utility lines may be authorized by GP 9 or another Corps authorization. If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Corps authorization are discharges of dredged or fill material into waters of the U.S. to construct, maintain, repair, and/or remove utility lines, then GP 9 shall be used if those activities meet the terms and conditions of GP 9, including any case-specific conditions imposed by the Corps.
2. For temporary or permanent projects authorized under GP 14, including any transmission lines, placed in navigable waters of the U.S. (i.e., section 10 waters) the Corps will send copies of the PCN and verification to NOAA, National Ocean Service, for charting the generation units and associated transmission line(s) to protect navigation. Permittees should refer to the special conditions in the Corps written verification for requirements.
3. For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, the Corps will provide a copy of the PCN and verification to the Department of Defense Siting Clearinghouse[12], which will evaluate potential effects on military activities.
4. Structures in an anchorage area established by the USCG must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the USCG (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.
5. GC 38, Abandonment, is particularly relevant for pilot projects.

GP 14. Temporary Construction, Access, and Dewatering (Sections 10 and 404; tidal and non-tidal waters of the U.S.)

Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps or the USCG. This also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or USCG permit requirements.

Self-Verification Eligible	PCN Required	Not authorized under GP 14 or IP Required
1. Temporary impacts (except for temporary construction mats) in non-tidal waters of the U.S.: a. Meet the SV limits on page 4 (see Note 1), and b. Do not occur in non-tidal SAS, except temporary impacts to non-tidal wetlands may be eligible for SV, and c. Temporary discharges are in place for <2 years. GC 17 is particularly relevant for work in streams; and 2. Temporary construction mats ("mats") and spans in non-tidal waters of the U.S.: a. For mats not in streams: mats meeting the SV limits on page 4 are in place for <2 years; and mats exceeding the SV limits on page 4 are in place in for: i) <1 year when installed during the growing period, and ii) no portion of more than one growing period when installed outside the growing period (see Note 2), and b. For mats and spans in streams, mat stream crossings and spans comply with the "Temporary Crossings in Non-Tidal Streams" section of the Stream Crossing BMP document[13], and c. Do not involve underlying fill; and 3. No temporary work and no impacts, including mats, in tidal waters of the U.S.; and 4. No temporary structures in navigable waters.	1. Temporary impacts (except for temporary construction mats) in non-tidal waters of the U.S.: a. Meet or exceed the PCN limits on page 4 (see Note 1), or b. Occur in non-tidal SAS, except temporary impacts to non-tidal wetlands may be eligible for SV, or c. Temporary discharges are in place for >2 years. GC 17 is particularly relevant for work in streams; or 2. Temporary construction mats ("mats") and spans in non-tidal waters of the U.S.: a. For mats not in streams: mats meeting the SV limits on page 4 are in place for >2 years; or mats exceeding the SV limits on page 4 are in place for: i) >1 year when installed during the growing period, or ii) any portion of more than one growing period when installed outside the growing period (see Note 2), or b. For mats and spans in streams, mat stream crossings and spans do not comply with the "Temporary Crossings in Non-Tidal Streams" section of the Stream Crossing BMP document[13], and c. Involve underlying fill; or 3. Temporary work or impacts, including mats, in tidal waters of the U.S. that are ≤1 acre, ≤5000 SF to tidal SAS excluding vegetated shallows, or ≤1000 SF of impacts to vegetated shallows (tidal vegetated shallow impacts will require compensatory mitigation); or 4. Temporary structures in navigable waters.	1. The use of cofferdams to dewater wetlands or other aquatic areas to change their use; or 2. Structures or fill left in place after construction is completed.

Notes:

1. The total temporary and permanent impact area is used to determine if a single and complete project is eligible for SV or requires a PCN. However, the total permanent impact area is used to determine whether a single and complete project exceeds the PCN limits and requires an IP.
2. The growing period is from May 1 to Oct 1 for the purposes of these GPs.
3. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant to GP 14 are GCs 14 - 17. The TOY restrictions in GC 18 apply to work: a) outside of streams when work causes turbidity or sediment resuspension in streams or tidal waters; b) in streams and tidal waters (GC 17(f) is particularly relevant); and c) authorized under GP 14(2)(b) as stated in the "Temporary Crossings in Non-Tidal Streams" section of the Stream Crossing BMP document[13].
4. In addition to the TOY restrictions in GC 18, work authorized under GP 14 that causes turbidity or sediment resuspension in tidal waters, the Connecticut River from the MA/CT border to the Turners Falls Dam, Merrimack River to the Essex Dam, or Taunton River, cannot be conducted between Mar 16 and Oct 31. This is required to avoid effects to listed species under NMFS jurisdiction and can only be waived by the Corps, not in a written State determination (see GC 18(a)).

GP 15. Reshaping Existing Drainage Ditches (Section 404; non-tidal waters of the U.S), New Ditches (Section 404; non-tidal waters of the U.S), and Mosquito Management (Sections 10 & 404, tidal waters)

Discharges to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the U.S., for the purpose of improving water quality by regrading the drainage ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. Compensatory mitigation is not required because the work is designed to improve water quality. Also authorized is open marsh water management (OMWM) in tidal waters for mosquito reduction.

Self-Verification Eligible	PCN Required	Not authorized under GP 15 or IP Required
1. ≤500 linear feet of drainage ditch will be modified. The reshaping of the ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the ditch as originally constructed (i.e., the capacity of the ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the U.S.); and 2. No new ditches or relocation of drainage ditches constructed in waters of the U.S.; the location of the centerline of the reshaped drainage ditch must be approximately the same as the location of the centerline of the original drainage ditch; and 3. No OMWM.	1. >500 linear feet of drainage ditch will be reshaped, or the reshaping of the ditch increases the drainage capacity beyond the original as-built capacity or expands the area drained by the ditch as originally constructed; or 2. New ditches or relocation of drainage ditches constructed in waters of the U.S; or 3. OMWM.	Stream channelization or stream relocation projects.

Note:
1. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant to GP 15 are GCs 14 - 16.

GP 16. Response Operations for Oil and Hazardous Substances (Sections 10 and 404; tidal and non-tidal waters of the U.S.)

Eligible for authorization are the activities in (a) - (c) below. SAS should be restored in place at the same elevation.

(a) Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either:

i. The Spill Prevention, Control and Countermeasure Plan required by 40 CFR 112.3; or

ii. The direction or oversight of the Federal on-scene coordinator designated by 40 CFR 300; or

iii. Any approved existing State, regional or local contingency plan provided that the Regional Response Team concurs with the proposed response efforts or does not object to the response effort.

(b) Activities required for the cleanup of oil releases in waters of the U.S. from electrical equipment that are governed by EPA's polychlorinated biphenyl (PCB) spill response regulations at 40 CFR 761. Applicable PCB cleanup is regulated under GP 16 not GP 17.

(c) The use of structures and fills for spill response training exercises.

(d) Booms placed in navigable waters for oil and hazardous substance containment and absorption.

Self-Verification Eligible	PCN Required	Not authorized under GP 16 or IP Required
1. Activities are conducted in accordance with (a) or (b) above (see Note 1); and 2. For (c) above, no permanent impacts and no permanent structures are proposed; and 3. Booms placed for oil containment, absorption and prevention.	1. Activities are not conducted in accordance with (a) or (b) above (see Note 1); or 2. For (c) above, all permanent impacts that do not exceed the PCN limits on page 4, or permanent structures are proposed.	For (c) above, permanent impacts require an IP as stated on page 4.

Notes:
1. For work in tidal waters, the Connecticut River from the MA/CT border to the Turners Falls Dam, Merrimack River to the Essex Dam, or Taunton River, the permittee must contact the Corps at (978) 318-8338 before or as soon as possible after the work authorized under GP 16(a) or (b) commences for the Corps to address the effects under the Federal Endangered Species Act with the NMFS. Permittees have until two weeks following commencement of the activities in GP 16 (a) and (b) to submit the SVNF. A SVNF is not required for booms used for spill prevention or properly contained and cleaned de minimis oil or hazardous substance discharges into waters of the U.S.
2. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant to GP 16 are GCs 15 and 16. The TOY work windows/restrictions in GC 18 do not apply if the work in GP 16 is an emergency response, but they do apply if the work is planned or scheduled.

GP 17. Cleanup of Hazardous and Toxic Waste (Sections 10 and 404; tidal and non-tidal waters of the U.S.)

Specific activities to effect the containment, stabilization, or removal of hazardous or toxic waste materials, including court ordered remedial action plans or related settlements, which are performed, ordered or sponsored by a government agency with established legal or regulatory authority. SAS should be restored in place at the same elevation.

Self-Verification Eligible	PCN Required	Not authorized under GP 17/IP Required
1. Permanent impacts meet the SV limits on page 4; and 2. No work occurs in navigable waters of the U.S., except booms placed for hazardous and toxic waste containment, absorption and prevention are eligible for SV; and 3. No stream channelization, relocation or loss of streambed occurs; and 4. The project does not involve establishing new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste.	1. Permanent impacts meet or exceed the PCN limits on page 4; or 2. Work occurs in navigable waters of the U.S., except booms placed for hazardous and toxic waste containment, absorption and prevention are eligible for SV; or 3. Stream channelization, relocation or loss of streambed occurs; or 4. The project involves establishing new disposal sites or expanding existing sites used for the disposal of hazardous or toxic waste.	

Notes:
1. Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the CWA or Section 10 of the Rivers and Harbors Act.
2. Permittees have until two weeks following commencement of the activities in GP 17 to submit the SVNF. A SVNF is not required for booms used for contaminant prevention where there has been no hazardous or toxic waste discharge into waters of the U.S.

GP 18. Scientific Measurement Devices (Sections 10 and 404; tidal and non-tidal waters of the U.S.) Scientific measurement devices for measuring and recording scientific data, such as staff gauges, tide and current gauges, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Also eligible are small weirs and flumes constructed primarily to record water quantity and velocity. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable.		
Self-Verification Eligible	PCN Required	Not authorized under GP 18 or IP Required
1. Permanent impacts in non-tidal waters meet the SV limits on page 4; and 2. See Section IX, Part A, Subpart 1, for discharges in tidal waters; and 3. The activity does not involve permanent biological sampling devices in non-navigable waters, biological sampling devices in navigable waters; or weirs and flumes.	1. Permanent impacts in non-tidal waters meet the PCN limits on page 4; and 2. See Section IX, Part A, Subpart 1, for discharges in tidal waters; and 3. The activity involves permanent biological sampling devices in non-navigable waters, biological sampling devices in navigable waters; or weirs and flumes.	1. Permanent impacts in non-tidal waters require an IP as stated on page 4; and 2. See Section IX, Part A, Subpart 1, for discharges in tidal waters.
Notes: 1. GCs 1-41 apply to all GPs unless otherwise stated or a GC is not relevant to a particular GP. Particularly relevant to GP 18 are GCs 16 and 19. 2. The TOY work windows/restrictions in GC 18 only apply to GP 18 if weirs and flumes are installed.		

GP 19. Survey Activities (Sections 10 and 404; tidal and non-tidal waters of the U.S.) Survey activities such as soil borings, core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, and historic resources surveys.		
Self-Verification Eligible	PCN Required	Not authorized under GP 19 or IP Required
1. Permanent impacts in non-tidal waters meet the SV limits on page 4; and 2. See Section IX, Part A, Subpart 1, for discharges in navigable waters and the non-tidal portions of the Taunton River; and 3. Exploratory trenching does not occur in waterways (e.g., streams, tidal waters). Exploratory trenching in non-tidal wetlands is eligible for SV; and 4. No seismic exploratory operations as specified in Section IX, Part A, Subpart 1 (see Note 1).	1. Permanent impacts in non-tidal waters meet the PCN limits on page 4; or 2. See Section IX, Part A, Subpart 1, for discharges in navigable waters and the non-tidal portions of the Taunton River; or 3. Exploratory trenching occurs in waterways (e.g., streams, tidal waters); or 4. Seismic exploratory operations occur as specified in Section IX, Part A, Subpart 1 (see Note 1).	1. Permanent impacts in non-tidal waters require an IP as stated on page 4; or 2. See Section IX, Part A, Subpart 1, for discharges in navigable waters and the non-tidal portions of the Taunton River; or 3. Discharges and structures associated with the recovery of historic resources, and the drilling and the discharge of excavated material from test wells for oil and gas exploration. However, the plugging of such wells is authorized.
Notes: 1. The TOY work windows/restrictions in GC 18 do not apply to work in GP 19 unless the work causes turbidity or sediment resuspension in streams and tidal waters. Note that trenching is typically a sediment producing activity. 2. For the purposes of GP 19, the term "exploratory trenching" means mechanical land or underwater clearing of the upper soil profile to expose bedrock or substrate for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the U.S. 3. The discharge of drilling mud and cuttings may require a permit under Section 402 of the CWA. 4. A SVNF is not required for wetland delineations, core sampling conducted for preliminary evaluation of dredge project analysis, and historic resource surveys.		

GP 20. Agricultural Activities (Section 404; non-tidal waters of the U.S.)

Discharges of dredged or fill material for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include the installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the U.S.; and similar activities. This also authorizes the construction of farm ponds in non-tidal waters of the U.S., excluding perennial streams, provided the farm pond is used solely for agricultural purposes. This also authorizes discharges of dredged or fill material into non-tidal waters of the U.S. to relocate existing serviceable drainage ditches constructed in non-tidal streams.

Self-Verification Eligible	PCN Required	Not authorized under GP 20 or IP Required
1. Permanent impacts meet the SV limits on page 4; and 2. No stream channelization, relocation, loss of streambed, or farm ponds in streams occurs; and 3. No work in the rivers listed in Section IX, Part A, Subpart 1.	1. Permanent impacts meet the PCN limits on page 4; or 2. Stream channelization, relocation, loss of streambed, or farm ponds in non-perennial streams occurs; or 3. Work in the rivers listed in Section IX, Part A, Subpart 1.	1.Permanent impacts require an IP as stated on page 4; or 2.The construction of farm ponds in perennial streams or aquaculture ponds.

Notes:
1. Permanently impacts as defined in Section VI includes waters of the U.S. that are permanently adversely affected by drainage because of the regulated activity, and shall therefore be figured into the area limit determination on page 4. This is particularly relevant to GP 20.
2. This GP authorizes the construction of farm ponds that do not qualify for the CWA Section 404(f)(1)(C) exemption because of the recapture provision at Section 404(f)(2).

GP 21. Fish and Wildlife Harvesting and Attraction Devices and Activities (Sections 10 and 404; tidal and non-tidal waters of the U.S.)

Fish and wildlife harvesting and attraction devices and activities such as lobster pound nets, crab traps, shellfish (includes crab) dredging, eel pots, lobster traps, duck blinds, clam and oyster digging, shellfish seeding including brushing the flats, fish aggregating devices, aquaculture, and small fish attraction devices such as open-water fish concentrators (sea kites, etc.). Aquaculture requirements are provided below and in Section IX, Part D.

Self-Verification Eligible	PCN Required	Not authorized under GP 21 or IP Required
1. No pound nets other than those traditionally used for lobster, no impoundments or semi-impoundments of waters of the U.S., no fish aggregating devices, no small fish attraction devices; and no artificial or living reefs; and 2. Devices and activities that are not located in tidal SAS; and 3. No dredging or excavation in SAS.	1. Pound nets other than those traditionally used for lobster, impoundments or semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster with an impounded area ≤½ acre, fish aggregating devices, small fish attraction devices, or artificial or living reefs; or 2. Devices and activities that are located in tidal SAS; or 3. Dredging or excavation in SAS.	Impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster with an impounded area >½ acre.

Note:
1. A SVNF is not required for work authorized under GP 21. However, a SVNF is required for aquaculture activities.

GP 22. Habitat Restoration, Establishment and Enhancement Activities (Sections 10 and 404; tidal and non-tidal waters of the U.S.) Activities associated with the restoration, enhancement and establishment of non-tidal and tidal wetlands and riparian areas, including invasive, non-native or nuisance species control; the restoration and enhancement of non-tidal streams and other non-tidal open waters; the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site; the restoration and enhancement of shellfish, finfish and wildlife; and the rehabilitation or enhancement of tidal streams, tidal wetlands and tidal open waters; provided those activities can demonstrate net increases in aquatic resource functions and services.		
Self-Verification Eligible	PCN Required	Not authorized under GP 22 or IP Required
1. Permanent impacts meet the SV limits on page 4. However, cultch placement in tidal waters is eligible for SV provided there are no SAS impacts; and 2. SAS planting and transplanting ≤100 SF in tidal waters; and 3. No artificial or living reefs; and 4. The activity is authorized in writing by a local, State or non-Corps Federal environmental agency. Water impoundments require a PCN; and 5. No conversion of: i) a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa, wetland to pond, etc.) or uplands, and ii) one wetland type to another (e.g., forested wetland to an emergent wetland). See Note 3; and 6. No dam removal.	1. Permanent impacts meet or exceed the PCN limits on page 4, or cultch placement in tidal waters with SAS impacts; or 2. SAS planting and transplanting >100 SF in tidal waters; or 3. Artificial or living reefs; or 4. The activity a) is not authorized in writing by a local, State or non-Corps Federal environmental agency, or b) involves water impoundments; or 5. The conversion of: i) a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa, wetland to pond, etc.) or uplands, ii) one wetland type to another (e.g., forested wetland to an emergent wetland). See Note 3; or 6. Dam removal.	Stream channelization.
Notes: 1. GC 8 states PCN is required for any activity that might affect listed species or habitat. This includes beneficial effects. 2. Nationwide Permit 27, published in the 2/21/12 Federal Register, provides a limited list of activities that may be eligible for authorization under GP 22. 3. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. 4. The TOY restrictions in GC 18 do not apply to cultch placement or SAS planting and transplanting.		

GP 23. Previously Authorized Activities (Sections 10 and 404; tidal and non-tidal waters of the U.S.) See Section IX, Part A, Subpart 1.

IV. GENERAL CONDITIONS:

To qualify for GP authorization, the prospective permittee must comply with the following general conditions, as applicable. See Section IX, Part A, Subparts 3 and 4, for state-specific general conditions and additional information.

1. Other Permits
2. Federal Jurisdictional Boundaries
3. Minimal Direct, Secondary, and Cumulative Effects
4. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)
5. Single and Complete Projects
6. Historic Properties
7. Corps Projects and Property
8. Federal Threatened and Endangered Species
9. Wild and Scenic Rivers
10. Navigation
11. Federal Liability
12. Pile Driving and Removal
13. Utility Line Installation and Monitoring
14. Heavy Equipment in Wetlands
15. Temporary Fill
16. Restoration
17. Soil Erosion, Sediment and Turbidity Controls
18. Time of Year Windows/Restrictions.
19. Aquatic Life Movements and Management of Water Flows
20. Water Quality and Coastal Zone Management
21. Floodplains and Floodways
22. Storage of Seasonal Structures
23. Spawning, Breeding, and Migratory Areas
24. Vernal Pools
25. Invasive and Other Unacceptable Species
26. Blasting
27. Suitable Material
28. Programmatic Agreements
29. Permit On Site
30. Self-Verification Notification Form
31. Inspections
32. Maintenance
33. Property Rights
34. Transfer of GP Verifications
35. Modification, Suspension, and Revocation
36. Special Conditions
37. False or Incomplete Information
38. Abandonment
39. Enforcement Cases
40. Previously Authorized Activities
41. Duration of Authorization

1. Other Permits. Permittees must obtain other Federal, State, or local authorizations required by law. Applicants are responsible for applying for and obtaining all required State or local approvals. Work that is not regulated by the State, but is subject to Corps jurisdiction, may be eligible for SV or PCN under these GPs.

2. Federal Jurisdictional Boundaries. Activities shall be evaluated with reference to Federal jurisdictional boundaries. Applicants are responsible for ensuring that the boundaries depicted on permit drawings satisfy the Federal criteria defined at 33 CFR 328-329. See www.nae.usace.army.mil/missions/regulatory >> Jurisdictional Limits and Wetlands for more information on delineating jurisdictional areas.

3. Minimal Direct, Secondary, and Cumulative Effects[14]. Projects shall have no more than minimal direct, secondary and cumulative adverse environmental effects. Project proponents shall predict secondary and cumulative effects to the extent reasonable and practicable. All PCNs should include this information.

4. Mitigation (Avoidance, Minimization, and Compensatory Mitigation)

a. Activities must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the project site (i.e., on site). Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) is required to the extent necessary to ensure that the adverse effects to the aquatic environment are no more than minimal.[15]

b. Applicants shall consider riparian/forested buffers for stormwater management and low impact development (LID) best management practices (BMPs) to reduce impervious cover and manage stormwater to minimize impacts to the maximum extent practicable.[15]

c. Compensatory mitigation[16] for effects to waters of the U.S., including direct, secondary and temporal[17], will generally be required for permanent impacts that exceed the SV area limits, and may be required for temporary impacts that exceed the SV area limits, to offset unavoidable impacts which remain after all appropriate and practicable avoidance and minimization has been achieved and to ensure that the adverse effects to the aquatic environment are no more than minimal. Proactive restoration projects or temporary impact work with no secondary effects may generally be excluded from this requirement.

5. Single and Complete Projects[18]

a. The use of more than one GP for a single and complete project is prohibited, except when the impact area of waters of the U.S. authorized by the GPs does not exceed the area limit of the GP with

---

[14] Direct, secondary and cumulative effects are defined at Section VI, Definitions and Acronyms. The New England District Compensatory Mitigation Guidance at www.nae.usace.army.mil/missions/regulatory >> Mitigation is a resource for assessing secondary impacts.

[15] See: www.nae.usace.army.mil/missions/regulatory >> State General Permit >> Permit Resources >> Mitigation for this additional information: a) "Wetland BMP Manual - Techniques for Avoidance & Minimization," b) riparian/forested buffer BMPs, and c) LID BMPs. LID BMPs include, but are not limited to: replacing curbs and gutters with swales; using an open space design for subdivisions; using permeable, pervious or porous pavements; constructing bio-retention systems; and/or, adding a green roof or rain garden.

[16] Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR 332. See also the New England District Compensatory Mitigation Guidance at www.nae.usace.army.mil/missions/regulatory >> Mitigation.

[17] Temporal loss: The time lag between the loss of aquatic resource functions caused by the permitted impacts and the replacement of aquatic resource functions at the compensatory mitigation site(s) (33 CFR 332.2).

[18] This is defined in Section VI - Definitions and Acronyms.

the highest specified area limit. For example, if a road crossing over tidal waters is constructed under GP 10, with associated bank stabilization authorized by GP 7, Bank and Shoreline Stabilization, the maximum impact area of waters of the U.S. for the total project cannot exceed 1/2 acre. The same GP cannot be used more than once for the same single and complete project.

b. A non-linear single and complete project[18] must have independent utility and may not be "piecemealed" to avoid the limits in a GP authorization. Proponents must quantify any permanent fill previously authorized under a state GP (see Section IX, Part A, Subpart 3, for dates) associated with the single and complete project and provide that information in the PCN.

c. Activities are not eligible for SV if they are part of an overall project for which an IP is required unless the Corps determines that the activity is a single and complete project based upon its analysis of the entire overall project.

6. Historic Properties

a. No undertaking shall cause effects (defined at 33 CFR 325 Appendix C and 36 CFR 800) on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places[19], including previously unknown historic properties within the permit area, unless the Corps or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO) and the National Register of Historic Places can assist with locating information on: i) previously identified historic properties; and ii) areas with potential for the presence of historic resources, which may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with the Corps and the SHPO and/or THPO(s).

b. For activities eligible for SV, proponents must ensure and document that the activity will not cause effects as stated in 6(a). Coordination with the entities in 6(a) using the forms/methods specified in Section IX, Part B, Subpart 2, is recommended to demonstrate due diligence to identify historic properties. The SHPO and THPOs are expected to provide comment to the applicant and/or the Corps within 30 days or receipt if there are additional historic properties which need to be addressed. Proponents must submit a PCN if the authorized activity may cause effects as stated in 6(a) as soon as possible to ensure that the Corps is aware of any potential effects of the permitted activity on any historic property to ensure all Section 106 requirements.

c. All PCNs shall: i) show notification to the SHPO and applicable THPO(s)[20] as specified in Section IX, Part B, Subpart 2, for their identification of historic properties, ii) state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties, and iii) include any available documentation from the SHPO, MA Board of Underwater Archaeological Resources (MA only) or THPO(s) indicating that there are or are not historic properties affected. Starting consultation early in project planning can save proponents time and money. The SHPOs and THPOs will contact the Corps if there is any potential for an effect on a historic property and the Corps will begin consultation.

d. Applicants need to coordinate with the Corps before conducting any onsite archaeological work (reconnaissance, surveys, recovery, etc.) as the Corps will use 33 CFR 325 Appendix C, including its "permit area" definition, to determine its scope of analysis for the consideration of historic properties. This is to ensure that work is done in a cost-effective manner, in accordance with Corps requirements

---

[19] The majority of historic properties are not listed on the National Register of Historic Places and may require identification and evaluation by qualified historic preservation and/or archaeological consultants in consultation with the Corps and the SHPO and/or THPO(s).

[20] Section IX, Part C, 3. Historic Resources, provides contact information and each tribe's "area of concern."

and to avoid effects to historic properties before the consultation requirements of Section 106 of the NHPA have been satisfied.

e. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and State coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

7. National Lands

a. In addition to any authorization under these GPs, proponents must contact the Corps Real Estate Division at (978) 318-8585 for work occurring on or potentially affecting Corps properties and/or Corps-controlled easements to initiate reviews and determine what real estate instruments are necessary to perform work. Permittees may not commence work on Corps properties and/or Corps-controlled easements until they have received any required Corps real estate documents evidencing site-specific permission to work.

b. Any proposed temporary or permanent modification or use of a Federal project (including but not limited to a levee, dike, floodwall, channel, anchorage, seawall, bulkhead, jetty, wharf, pier or other work built but not necessarily owned by the United States), which would obstruct or impair the usefulness of the Federal project in any manner, and/or would involve changes to the authorized Federal project's scope, purpose, and/or functioning that go beyond minor modifications required for normal operations and maintenance, is not eligible for SV and requires review and approval by the Corps pursuant to 33 USC 408.

c. Any structure or work within any Corps Federal Navigation Project (FNP) or its buffer zone[21], shall be subject to removal at the owner's expense prior to any future Corps dredging or the performance of periodic hydrographic surveys. See GC 10 for more requirements related to FNPs.

d. A PCN is required for activities within, or with any secondary or cumulative adverse environmental effects on, any National Wildlife Refuge, National Forest, National Marine Sanctuary (e.g., Stellwagen Bank), National Park or any other area administered by the National Park Service (e.g., Cape Cod National Seashore), U.S. Fish and Wildlife Service (USFWS) or U.S. Forest Service.

8. Federal Threatened and Endangered Species

a. No activity is authorized which: a) is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species; b) "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed; or c) violates the ESA.

b. For threatened or endangered species, a species proposed for listing as threatened or endangered, or designated or proposed critical habitat (all hereinafter referred to as "listed species or habitat") under U.S. Fish and Wildlife Service (USFWS) jurisdiction, a PCN is required if a listed species or habitat is present in the action area[22]. Applicants must check the following USFWS website to ensure that listed species or habitat are not present in the action area, and must submit a PCN with information on listed

[21] See Section VI for a list of Corps FNPs. The buffer zone is equal to three times the authorized depth of the Corps FNP.

[22] The "Endangered Species Consultation Handbook – Procedures for Conducting Consultation and Conference Activities Under Section 7 of the ESA," defines action area as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. (50 CFR 402.02)."

species or habitat, when present, to allow the Corps to conduct any required consultation under Section 7 of the ESA: http://ecos.fws.gov/ipac/, select "Initial Project Scoping." Follow Steps 1 - 3 to determine if listed species or habitat are present in the action area.

For listed species or habitat under NMFS jurisdiction, the Corps has determined that all work eligible for SV will have no effect on listed species or habitat; therefore project proponents are not required to check for listed species or habitat for work that is SV eligible (see Note 1 in GP 16 for an exception).

c. Federal agencies should follow their own procedures for complying with the requirements of the ESA. Work may be eligible for SV if another Federal agency has satisfied the requirements of Section 7 of the ESA. Upon request, permittees must provide the Corps with the appropriate documentation to demonstrate compliance with those requirements.

9. Wild and Scenic Rivers[23]

a. The following activities in designated rivers or study rivers in the National Wild and Scenic River (WSR) System require a PCN unless the National Park Service has determined in writing to the proponent that the proposed work will not adversely affect the WSR designation or study status:

i. Activities that occur in designated rivers or study rivers, in and 0.25 miles up or downstream of designated rivers or study rivers, or in tributaries within 0.25 miles of designated rivers or study rivers;

ii. Activities that occur in wetlands adjacent to the segments in 9(a)(i) above;

iii. Activities that have the potential to alter the free-flowing characteristics in designated rivers or study rivers.

b. The designated rivers and study rivers in New England as of February 4, 2015 are listed in Section IX, Part A, Subpart 3, along with other state-specific information.

10. Navigation

a. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

b. The permittee understands and agrees that if future U.S. operations require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

c. A PCN is required for all work in, over or under an Corps FNP or its buffer zone[21] except for the work authorized in GPs 1 and 16, and the work specified in GPs 2 and 4.

11. Federal Liability

In issuing these GPs, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest;

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

---

[23] Additional information can be found at: http://www.rivers.gov.

d. Design or construction deficiencies associated with the permitted work; or
e. Damage claims associated with any future modification, suspension, or revocation of this permit.

12. Pile Driving and Removal

a. Derelict, degraded or abandoned piles in navigable waters, except for those inside of existing work footprints for piers, must be completely removed or cut and driven 3 feet below the surface to prevent interference with navigation and in some cases to remove polluting materials. Existing creosote piles in the project area that are affected by project activities should be completely removed. In areas of fine-grained substrates, piles must be removed by the direct, vibratory or clamshell pull method[24] to minimize turbidity and sedimentation impacts and prevent interference with navigation from cut piles. Removed piles shall be disposed of in an upland location landward of MHW or OHW and not in wetlands, tidal wetlands, their substrate or mudflats. The TOY restrictions in GC 18 do not apply unless specified in a written determination.

b. A PCN is required for all pile-driving work that does not meet one of the following conditions in: a) tidal waters; or b) non-tidal navigable waters that are rivers. Pile driving can generate underwater sound pressure waves that may injure, harm or kill managed fish and prey species.

i. Piles are ≤12 inches in diameter. Use a soft start each day of pile driving, building up power slowly from a low energy start-up over a period of 20-40 minutes to provide adequate time for fish and marine mammals to leave the vicinity. The buildup of power should occur in uniform stages to provide a constant increase in output. Bubble curtains can be used to reduce sound pressure levels during vibratory or impact hammer pile driving; or

ii. Piles are installed between Nov 1 and March 15. This is to avoid effects to Federal threatened and endangered species and cannot be waived in a written State determination as stated in GC 18(a)(ii).

13. Utility Line Installation and Removal

a. Subsurface utility lines shall remain subsurface. If it is necessary to discharge dredged or filled material to keep such utility lines buried or restore them to their original subsurface condition, written verification from the Corps may be required (e.g., in the case of side casting into wetlands from utility trenches).

b. Subsurface utility lines must be installed at a sufficient depth to avoid damage from anchors, dredging, etc., and to prevent exposure from erosion and stream adjustment. In accordance with Corps New England District Regulation NEDER 1110-1-9 (www.nae.usace.army.mil/missions/regulatory >> Useful Links and Documents), as an absolute minimum, the bottom cover associated with the initial installation of utility lines under navigable waters and navigation channels shall be 48 inches in soil or 24 inches in rock excavation in competent rock unless specified in a written determination. These minimum bottom cover requirements for pipelines and cables shall be measured from the maximum depth of dredging to the top of the utility. The maximum depth of dredging, in waterways having existing Corps FNPs, is generally considered to be the authorized project depth plus any allowance for advanced maintenance and the allowable overdepth for dredging tolerances. In waterways that do not have existing FNPs, this depth should be taken as two feet below the existing bottom or maximum depth of proposed dredging, as applicable.

---

[24] Direct Pull: Each piling is wrapped with a choker cable or chain that is attached at the top to a crane. The crane then pulls the piling directly upward, removing the piling from the sediment. Vibratory Pull: The vibratory hammer is a large mechanical device (5-16 tons) that is suspended from a crane by a cable. The vibrating hammer loosens the piling while the crane pulls up. Clamshell Pull: This can remove intact, broken or damaged pilings. The clamshell bucket is a hinged steel apparatus that operates like a set of steel jaws. The bucket is lowered from a crane and the jaws grasp the piling stub as the crane pulls up. The size of the clamshell bucket is minimized to reduce turbidity during piling removal.

c. For horizontal directional drilling work, returns of drilling fluids to the surface (i.e., frac-outs) are not authorized and require restoration in accordance with the terms and conditions of these GPs. The permittee and their contractor shall have onsite and implement the procedures detailed in a frac-out contingency plan for monitoring drilling operations and for the immediate containment, control and recovery/removal of drilling fluids released into the environment should a discharge of material occur during drilling operations.
d. Abandoned or inactive utility lines must be removed and faulty lines (e.g., leaking hazardous substances, petroleum products, etc.) must be removed or repaired. A written verification is required if they are to remain in place, e.g., to protect sensitive areas or ensure safety.
e. No work shall drain a water of the U.S. by providing a conduit for water on or below the surface. Trench plugs installed along pipelines may be effective.

14. Heavy Equipment in Wetlands or Mudflats

a. Operating heavy equipment in wetlands or mudflats shall be minimized, and such equipment other than fixed equipment (drill rigs, fixed cranes, etc.) shall not be stored, maintained, fueled or repaired in wetlands or mudflats unless the equipment is broken down and cannot be easily removed or unless it is more environmentally damaging to do otherwise. An adequate supply of spill containment equipment shall be maintained on site.
b. Where construction requires heavy equipment operation in or across wetlands or mudflats, the work shall result in no more than minimal adverse effects unless otherwise authorized. The equipment shall:

i. Have low ground pressure (typically ≤3 psi); or

ii. Be placed on swamp/construction/timber mats (herein referred to as "construction mats" and defined at Section VI) that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation; or

iii. Be operated on adequately dry or frozen wetlands such that shear pressure does not cause subsidence of the wetlands immediately beneath equipment and upheaval of adjacent wetlands.

c. General Condition 16 is particularly relevant to impacts from heavy equipment and construction mats, especially when work occurs on soils meeting these field indicators,[25] which are highly susceptible to shear forces: A1 (Histosol), A2 (Histic Epipedon), A3 (Black Histic), A10 (2cm Muck), S1 (Sandy Mucky Mineral), or S3 (5cm Mucky Peat or Peat).
d. When construction mats are used, they shall be placed in the wetland or mudflats from the upland or from equipment positioned on construction mats if working within a wetland. Dragging construction mats into position is prohibited. Construction mats should be managed in accordance with the Construction Mat BMPs at www.nae.usace.army.mil/missions/regulatory >> State General Permits >> Permit Resources.
e. In tidal wetlands, no dredge work shall have equipment traverse, be placed, or stored on the marsh vegetation unless specifically authorized in writing.

15. Temporary Fill

a. Temporary fill, construction mats and corduroy roads shall be entirely removed as soon as they are no longer needed to construct the authorized work. Temporary fill shall be placed in its original location or disposed of at an upland site and suitably contained to prevent its subsequent erosion into waters of the U.S.
b. All temporary fill and disturbed soils shall be stabilized to prevent its eroding into waters of the U.S. where it is not authorized. Work shall include phased or staged development to ensure only areas under active development are exposed and to allow for stabilization practices as soon as practicable,

[25] U.S. Department of Agriculture, Natural Resources Conservation Service, 2010. *Field Indicators of Hydric Soils in the United States,* Version 7.0. L.M. Vasilas, G. W. Hurt, and C.V. Noble (eds.)

typically within three calendar days after disturbance. Accelerated stabilization (the providing of temporary or permanent cover by the end of the work day to prevent erosion) shall be employed as necessary. Temporary fill must be placed in a manner that will prevent it from being eroded by expected high flows.

c. Unconfined temporary fill authorized for discharge into waters of the U.S. (see GP 14) shall consist of material that minimizes impacts to water quality (e.g. washed stone, stone, etc.).

d. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Place materials in a location and manner that does not adversely impact surface or subsurface water flow into or out of the wetland. Temporary fill authorized for discharge into wetlands shall be placed on geotextile fabric or other appropriate material laid on the pre-construction wetland grade where practicable to minimize impacts and to facilitate restoration to the original grade. Construction mats are excluded from this requirement.

e. Temporary fill, construction mats and corduroy roads are considered temporary only if they are removed as soon as they are no longer needed to construct the authorized work.

f. Construction debris and/or deteriorated materials shall not be located in waters of the U.S.

16. Restoration

a. Temporary fills must be removed in their entirety and the affected areas restored to their pre-construction condition, function and elevation. Restoration shall typically commence no later than the completion of construction. The physical actions of cut-and-fill work, land grading, construction equipment movement and the transport of building materials alter the architecture and structure of the soil, resulting in: the mixing of layers (horizons) of soil materials, compression of those materials and diminished soil porosity which, if left unchecked, severely impairs the soil's water holding capacity and vertical drainage (rainfall infiltration), from the surface downward.

b. For excavated areas, "restored to pre-construction condition, function and elevation" means careful removal of existing soil and vegetation, separate topsoil and subsoil stockpiling, soil protection, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized. Plan for natural settling that will occur (the initial post-restoration elevation of the backfilled areas should be above the desired final grade as topsoil may settle by 33% to 50%), minimize compaction, and ensure that topsoil is void of gravel and subsoil. A minimum of 4 inches of topsoil should be at the surface after the soil has settled. Wetland areas temporarily disturbed shall be stabilized (e.g., seeded or planted). Seed mixes and vegetation shall include only plant species native to New England and shall not include any species listed in Appendix D, "Invasive and Other Unacceptable Plant Species," of the "New England District Compensatory Mitigation Guidance" (see GC 25). This list may be updated periodically.

c. Limit compaction to the minimum needed to promote a successful seedbed; avoid a 'fluffy' seedbed, which is susceptible to erosion until the plants get established, and a compacted topsoil layer, which is counter-productive and will lead to greater erosion susceptibility down the road. Test soils for compaction. A soil probe, auger, or shovel should be able to retrieve samples of post-restoration profile. Equipment refusal shall be considered a failure of restoration, in which case the soil should be restored through deep-ripping and/or decompaction, or other appropriate methods, and wetland hydrology must be maintained. See the BMPs at www.nae.usace.army.mil/missions/regulatory >> State General Permits >> Permit Resources >> Restoration of Special Aquatic Sites.d. In areas of authorized temporary disturbance, cut woody vegetation (trees, shrubs, etc.) shall be cut at or above ground level and not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.

e. Trenches shall be constructed or backfilled so that the trench does not drain waters of the U.S. (e.g., materials or methods that create a French drain effect).

17. Soil Erosion, Sediment and Turbidity Controls

a. Appropriate soil erosion, sediment and turbidity controls[26] must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date. Erosion, sediment and turbidity controls shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment.

b. Temporary soil erosion, sediment and turbidity controls shall be removed promptly upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these devices shall be removed and placed at an upland location in a manner that will prevent its later erosion into a waterway or wetland. Controls may be left in place if they are biodegradable[27], appropriate, and flows, animal passage, etc. are not disrupted. Biodegradable controls left in place, such as rolled erosion control products (RECPs) (e.g., mulch control netting, erosion control blankets, turf mats, mulch socks, fiber rolls, wattles, etc.), must be composed of 100% natural biodegradable material. Photodegradable, UV degradable or Oxo-(bio)degradable plastics are not considered biodegradable for the purposes of this requirement. When RECPs reinforced with netting must be used, the mesh or aperture size should be as large as possible to avoid wildlife entrapment and should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement. Avoid the use of silt fences reinforced with metal or plastic mesh or the mesh or aperture size should be as large as possible. See the Wildlife-Friendly Plastic-Free Netting BMP document located at www.nae.usace.army.mil/missions/regulatory >> State General Permits >> Permit Resources.

c. Permittees are encouraged to perform work within waters of the U.S. during periods of low-flow or no-flow conditions, or when the tide is waterward of the work.

d. Work occurring within 25 feet of tidal SAS or shellfish beds must utilize appropriate controls and techniques to minimize direct and secondary impacts.

e. Trenches must be backfilled as soon as practicable after pipeline installation to reduce turbidity impact duration.

f. Except for dredging authorized under GP 5, there shall be no unconfined fill, excavation, turbidity causing, or sediment resuspending work (e.g., grading, excavation, beach nourishment, etc.) in flowing or tidal waters. This shall be accomplished by working in dry conditions, which may occur during periods of no flow (proponents must plan for unexpected high flows), when the tide is waterward of the work, or by confining and dewatering the work site using appropriate management techniques[28] performed in accordance with (i)-(v) below. The Corps may waive this requirement with a written determination concluding that the work will result in no more than minimal adverse effects. (i), (ii) and (iv) below may be modified in writing in accordance with GC 18 unless otherwise stated.

i. Install during the TOY work window in GC 18. Install early in the TOY work window to the maximum extent practicable to allow for removal during the same TOY work window. Maintain downstream passage for diadromous fish during the TOY work window and restriction.

ii. Removal should occur during the same TOY work window if practicable, however:

1. Non-embedded management techniques (e.g., jersey barriers) may be removed during the TOY restriction; and

---

[26] Appropriate soil erosion and sediment controls are management measures, practices and devices, such as phased construction, installation of sediment control barriers (i.e., silt fence, vegetated filter strips, geotextile silt fences, filter tubes, erosion control mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization, etc.

[27] Defined in Section VI, Definitions and Acronyms.

[28] Management techniques used to achieve dry conditions may involve cofferdams, bypass pumping around barriers immediately up and downstream of the work footprint (e.g., "dam and pump"), etc.

2. Embedded management techniques (e.g., cofferdams) shall not be removed during the TOY restriction. These must be removed during the TOY work window; and

3. Water diversions[29] must be removed before the TOY restriction begins. The exception is for those associated with permanent stream crossings in non-tidal streams that are eligible for SV as specified in GP 10 and throughout this document, which may remain into the TOY restriction provided that downstream passage for diadromous fish is maintained and they are removed before March 1 when upstream passage begins. Water divisions may remain after March 1 if specified by the Corps in writing, not the state as specified in GC 18.

iii. Installation and removal shall be performed as follows (the 401 WQC conditions may be particularly relevant):

1. Source control: If silts, fine sediment, mud, or other potential mobile materials are present prior to cofferdam removal, they shall be removed mechanically or by hand, whichever has the least site disturbance. Operation of the dewatering system may still be required through this sediment removal process. Suitable material may be reused, e.g., mixing with loam and seed to stabilize side slopes or augment grassed or naturalized areas.

2. Stabilization: The final streambed shall be placed prior to cofferdam removal. The material may include riprap for scour protection, a modified rockfill side slope, or a natural streambed material. Construction of this material within the dry cofferdam will prevent the underlying sediment from becoming displaced during cofferdam removal.

3. Turbidity curtains: Use turbidity curtains in non-tidal waters when appropriate during installation and removal in areas where work may cause turbidity or sediment resuspension. Curtains should have a weighted bottom and be secured on each bank.

iv. Work in streams may not encroach >25% of the waterway width at OHW or MLW during the TOY restriction or >50% of the waterway width during the TOY window. The exception is for the work specified in 17(f)(ii)(3) above.

v. The material within sandbags shall not be released (e.g., sandbag slicing) during their removal.

g. Bank stabilization activities authorized in GPs 1 and 7 are not subject to the requirements in (f) above. General Conditions 17(a)-17(c) and 18 are particularly relevant.

18. Time of Year Work Windows/Restrictions

a. Work authorized under GPs 1, 3, 5-20, 22 and 23 that occurs in or causes turbidity or sediment resuspension in streams or tidal waters must be conducted during the TOY work windows or not during the TOY restrictions specified in Section IX, Part A, Subpart 3, GC 18, unless:

i. Specified elsewhere in this GP document (e.g., the notes in GPs 1, 3, 14, 16, 18, 19, 22 and 23; GCs 12(a) and 17(f), etc.); or

ii. Stated in a written State determination in accordance with the method provided in Section IX, Part A, Subpart 3. This is not applicable: if the Corps specifically requires a TOY work window or restriction in writing; if specifically prohibited in this document (e.g., GC 17(f)(ii)(3)); when listed species or habitat under USFWS jurisdiction are present in the action area (see GC 8(b)); or when listed species or habitat under NMFS jurisdiction are present in the action area, i.e., work occurs in tidal waters, the Connecticut River from the MA/CT border to the Turners Falls Dam, Merrimack River to the Essex Dam, or Taunton River; or

iii. Waived by the Corps in a written determination concluding that the work will result in no more than minimal adverse effects.

---

[29] Water diversions are activities such as bypass pumping (e.g, "dam and pump") or water withdrawals. Temporary flume pipes, culverts or cofferdams where continuity of flow/normal flow is maintained within the stream boundary's confines are not water diversions. "Normal flow" is defined as no change in flow from pre-project conditions.

Note: For (ii) and (iii) above, proponents must demonstrate the need for a modification and any mitigating factors.
b. The Corps may modify TOY restrictions for a particular region(s) for a specified time period during emergency situations.

19. Aquatic Life Movements and Management of Water Flows

a. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Unless otherwise stated, activities permanently impounding water in a stream require a PCN to ensure impacts to aquatic life species are avoided and minimized. All permanent and temporary crossings of waterbodies (e.g., streams, wetlands) shall be:

i. Suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species; and

ii. Properly aligned and constructed to prevent bank erosion or streambed scour both adjacent to and inside the culvert. Permanent and temporary crossings of wetlands shall be suitably culverted, spanned or bridged in such a manner as to preserve hydraulic and ecological connectivity between the wetlands on either side of the road.

b. To avoid adverse impacts on aquatic organisms, the low flow channel/thalweg shall remain unobstructed during periods of low flow, except when it is necessary to perform the authorized work.

c. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the preconstruction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

20. Water Quality and Coastal Zone Management

a. Applicants must satisfy any conditions imposed by the State, where applicable, in its CWA § 401 WQC for these GPs, or in any Individual § 401 WQC. See Section IX, Part A, Subpart 3, for state-specific information and to determine if any action is required to obtain a 401 WQC. The Corps may require additional water quality management measures to ensure that the authorized activity does not cause or contribute to a violation of water quality standards. All projects authorized by these GPs shall be designed, constructed and operated to minimize or eliminate the discharge of pollutants.

b. Applicants must satisfy any additional conditions imposed by the State in their Coastal Zone Management (CZM) Act consistency concurrences for these GPs, or in any Individual CZM consistency concurrences. See Section IX, Part A, Subpart 3, for state-specific information and to determine if any action is required to obtain an Individual CZM consistency concurrence. The Corps may require additional measures to ensure that the authorized activity is consistent with State CZM requirements.

21. Floodplains and Floodways

a. Appropriate measures must be taken to minimize flooding to the maximum extent practicable.

b. Activities within 100-Year Floodplains must comply with applicable Federal Emergency Management Agency (FEMA)-approved State and/or local floodplain management permitting requirements. Proponents may need to coordinate with FEMA and apply for a formal change to the flood insurance study products or forward a set of project plans and relevant technical documentation in a digital format to the Risk Analysis Branch Chief, Mitigation Division, FEMA, Region 1, 99 High

Street, Boston, Massachusetts 02110. Applicants should provide a copy of any documentation to the Corps along with the PCN.

22. Storage of Seasonal Structures. Seasonal or recreational structures such as pier sections, floats, aquaculture structures, etc. that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location landward of mean high water (MHW) or OHW and not in wetlands, tidal wetlands, their substrate or mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is waterward of MHW or OHW. Seasonal storage of structures in navigable waters, e.g., in a protected cove on a mooring, requires Corps approval.

23. Spawning, Breeding, and Migratory Areas

a. Activities and impacts such as excavations, discharges of dredged or fill material, and/or suspended sediment producing activities in fish migratory areas, fish and shellfish spawning or nursery areas, or amphibian and migratory bird breeding areas, during spawning or breeding seasons shall be avoided and minimized to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

b. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for obtaining any "take" permits required under the USFWS's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the Corps or appropriate local office of the USFWS to determine if such "take" permits are required for a particular activity.

24. Vernal Pools

a. Direct, secondary and cumulative adverse effects to all vernal pools (VPs), including their envelopes and critical terrestrial habitats,[30] shall be avoided and minimized[31] to the maximum extent practicable (see the documents in Footnote 32). Site clearing, grading and construction activities associated with a regulated activity[32] in the VP depression, envelope or critical terrestrial habitat may cause secondary or cumulative effects to the VP.

b. For the PCN's project plans, show all VPs that are located: i) less than 500 feet offsite and known (based upon searches of publically available documentation, including databases, GIS mapping, regulatory agency or historical records, etc.), and ii) onsite based upon the data sources in 24(b)(i) above and field surveys[33].

---

[30] The VP depression, envelope, and critical terrestrial habitat are defined in Section VI, Definitions and Acronyms.

[31] The following documents provide avoidance and minimization practices, and conservation recommendations, and are located at www.nae.usace.army.mil/missions/regulatory >> Vernal Pools. The directional corridor and concentric circle concepts are explained in (a) below. The concentric circle concept is also explained in (b) & (c).

a. Corps Vernal Pool BMPs

b. Science and Conservation of Vernal Pools in Northeastern North America, Calhoun and deMaynadier, 2008. Chapter 12, Conservation Recommendations section, Page 241, is particularly relevant.

c. Best Development Practices: Conserving pool-breeding amphibians in residential and commercial development in the northeastern U.S., Calhoun and Klemens, 2002. Chapter III, Management Goals and Recommendations, Pages 15 – 26, is particularly relevant.

[32] The discharge of dredged or fill material into waters of the U.S., or structure or work in navigable waters. See Section II, Page 3.

[33] Proponents must conduct field surveys in accordance with the Corps document titled "Vernal Pool Assessment," which includes information on conducting investigations during dry periods, and the

c. A PCN is required when the following occur (see the documents in Footnote 32 for avoidance and minimization practices that the Corps will use during its review):

i. A discharge of dredge or fill material occurs within a VP depression; or

ii. There is a VP depression, either offsite (if known) or onsite, within 500 feet of any regulated activity.[33]

d. GC 24(c)(i) and (c)(ii) do not apply to temporary construction mats in previously disturbed areas of existing 1) utility project right-of-ways (e.g., electric transmission lines and gas pipelines) or 2) linear transportation projects (e.g., roads, highways, railways, trails, airport runways and taxiways), provided there is a Vegetation Management Plan or equivalent BMPs that avoid, minimize and mitigate impacts to aquatic resources.

e. GC 24(a) and (c) do not apply to projects that are within a municipality and meet the provisions of a Corps-approved VP Special Area Management Plan (VP SAMP) and are otherwise eligible for self-verification.

f. See Section IX, Part A, Subpart 4, for state-specific protections for certain wetland areas.

25. Invasive and Other Unacceptable Species[34]

a. The introduction or spread of invasive or other unacceptable plant or animal species on the project site or areas adjacent to the project site caused by the site work shall be avoided to the maximum extent practicable. For example, construction mats and equipment shall be thoroughly cleaned and free of vegetation and soil before and after use. The introduction or spread of invasive plant or animal species on the project site caused by the site work shall be controlled.

b. No cultivars, invasive or other unacceptable plant species may be used for any mitigation, bioengineering, vegetative bank stabilization or any other work authorized by these GPs. However, non-native species and cultivars may be used when it is appropriate and specified in a written verification, such as using *Secale cereale* (Annual Rye) to quickly stabilize a site. All PCNs should explain the reason for using non-native species or cultivars.

26. Blasting. Blasting in waters of the U.S. associated with work such as dredging, trenching, pile installation, etc. is not authorized under these GPs and an IP is required.

27. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

28. Programmatic Agreements. The Corps requirements to comply with Section 106 of the NHPA, Section 7 of the Endangered Species Act or Essential Fish Habitat conservation under the Magnuson-Stevens Act may be satisfied by a Programmatic Agreement with the Corps, New England District or another Federal action agency. Activities may then be eligible for SV. Any Corps, New England District Programmatic Agreements will be available on our website.

29. Permit On Site. The permittee shall ensure that a copy of this GP and any accompanying authorization letter with attached plans are at the site of the work authorized by this GP whenever work

---

accompanying "Vernal Pool Characterization Form." See www.nae.usace.army.mil/missions/regulatory >> Vernal Pools.

[34] For the purposes of these GPs, plant species that are considered invasive and unacceptable are provided in Appendix D, "Invasive and other Unacceptable Plant Species" of the "New England District Compensatory Mitigation Guidance" at www.nae.usace.army.mil/missions/regulatory >> Mitigation. Chapter 4(e) Planting is also particularly relevant. The June 2009 "Corps of Engineers Invasive Species Policy" provides policy, goals and objectives and is located at www.nae.usace.army.mil/missions/regulatory >> Invasive Species. Additional information can be found at: www.eddmaps.org/ipane.

is being performed and that all construction personnel performing work which may affect waters of the U.S. are aware of its terms and conditions. The entire permit authorization shall be made a part of any and all contracts and subcontracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this GP. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means this entire GP and the authorization letter (including its drawings, plans, appendices and other attachments) and also includes permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or subcontract. Although the permittee may assign various aspects of the work to different contractors or subcontractors, all contractors and subcontractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or subcontract shall require or allow unauthorized work in areas of Corps jurisdiction.

30. Self-Verification Notification Form. Permitees must complete and submit the SVNF provided at Section VII to the Corps for work authorized by this GP. However, the SVNF is not required for the work specified in the notes to GPs 2, 16, 17, 19 and 21. See the SVNF for submittal requirements and timing, and the state-specific application/notification procedures in Section IX, Part B for more information.

31. Inspections. The permittee shall allow the Corps to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this GP and any written verification. The Corps may also require post-construction engineering drawings for completed work or post-dredging survey drawings for any dredging work. To facilitate these inspections, the permittee shall complete and return to the Corps the following forms:

- For Self-Verification: The SVNF (see GC 30).
- For PCN: The a) Work-Start Notification Form and b) Compliance Certification Form, when either are provided with the authorization letter.

32. Maintenance

a. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable general conditions and activity-specific conditions to a written verification.

b. The requirement in (a) above does not include maintenance of dredging projects. Each maintenance dredging event exceeding the SV limits requires a new PCN unless an unexpired, written PCN or other Corps authorization specifies that the permittee may "dredge and maintain" an area for a particular time period. Self-verification or PCN maintenance dredging includes only those areas and depths previously authorized and actually dredged.

c. Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a)(2). See Section III, GP 1.

33. Property Rights. These GPs do not convey any property rights, either in real estate or material, or any exclusive privileges, nor do they authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

34. Transfer of GP Verifications. When the structures or work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the entity or individual who received the GP authorizations, as well as the new owner(s) of the property. If the permittee sells the property

associated with a GP verification, the permittee may transfer the GP verification to the new owner by submitting a letter to the Corps (see Section IX, Part E, for address) to validate the transfer. A copy of the GP verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by these GPs are still in existence at the time the property is transferred, the terms and conditions of these GPs, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of these GPs and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____
(Transferee)

_____
(Date)

35. Modification, Suspension, and Revocation. These GPs or any work authorized under these GPs by self-verification or PCN may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7. Any such action shall not be the basis for any claim for damages against the U.S.

36. Special Conditions. The Corps may independently, or at the request of the Federal resource agencies, impose other special conditions on a project authorized pursuant to this GP that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all terms and conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil or administrative penalties and/or an ordered restoration.

37. False or Incomplete Information. If the Corps makes a determination regarding the eligibility of a project under these GPs and subsequently discovers that it has relied on false, incomplete or inaccurate information provided by the permittee, the Corps may determine that the GP authorization is not valid; modify, suspend or revoke the authorization; and the U.S. Government may institute legal proceedings.

38. Abandonment. If the permittee abandons or decides to abandon the activity authorized under these GPs, the work must be removed and the area restored to the maximum extent practicable unless a GP or IP specifically authorizes the abandonment.

39. Enforcement cases. These GPs do not apply to any existing or proposed activity in Corps jurisdiction associated with an ongoing Corps or EPA enforcement action, until such time as the enforcement action is resolved or the Corps or EPA, as appropriate, determines that the activity may proceed independently without compromising the enforcement action.

40. Previously Authorized Activities

a. Any work that was authorized in accordance with the state GPs that were in effect at the time these GPs were issued, remain in effect in accordance with the original provisions of those state GPs, including its terms, general conditions, and any special conditions in the written verification.

b. Projects authorized and completed under the previous GPs, Programmatic GPs (PGPs), nationwide permits, or regional GPs, are not affected by these GPs.

c. Activities authorized pursuant to 33 CFR 330.3 ("Activities occurring before certain dates") are not affected by this GP.

41. Duration of Authorization

a. These GPs expire on February 4, 2020. Activities authorized under GPs 1 - 23 that have either commenced (i.e., are under construction) or are under contract to commence before these GPs expire will have until February 4, 2021 to complete the activity under the terms and conditions of the current GPs. The permittee must be able to document to the Corps satisfaction that the project was under construction or under contract by the appropriate date. If work is not completed within the one year extended timeframe, the permittee must contact the Corps if he/she wants the work to continue to be authorized after that date.

b. Activities completed under these GPs will continue to be authorized.

2/4/15

DISTRICT ENGINEER **DATE**